

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FRED CHRISTIAN d/b/a SPARKLE
QUALITY CLEANERS AND
LAUNDRY,

Plaintiff,

v.

COMMERCE BANK N.A., et al.,

Defendants.

Case No. 4:14CV00201 AGF

MEMORANDUM AND ORDER

This matter is before the Court on the motions of Plaintiff Fred Christian d/b/a Sparkle Quality Cleaners and Laundry, who is proceeding *pro se*, for additional time to respond to Defendants' pending motion for more definite statement, and for the appointment of a court reporter for purposes of recording deposition testimony.

Motion for Additional Time

In his motion for additional time, Plaintiff asserts that he cannot respond to the motion for more definite statement until such time as Defendant identifies, as ordered by the Court during the Rule 16 conference, "the underwriter" involved in the denial of the loan at issue in this case.¹ The Court does not agree. Plaintiff does not need the name of the "underwriter" in order to respond to Defendants' motion. The discussion with regard to that identification related to the Rule 26 disclosures and Plaintiff's prior request to file

¹ The Court ordered Defendant to provide Plaintiff with the name and address of the supervisor, not the underwriter, involved in the denial of the loan.

an amended complaint, which is a matter separate from whether the complaint already on file complies with the pleading requirements.

Plaintiff may either (1) contest Defendants' request that he file an amended complaint complying with the format described in Federal Rule of Civil Procedure 10 by advising the Court why he believes the motion should not be granted, or (2) file an amended complaint that (i) sets out each of his allegations in separately numbered paragraphs, (ii) clearly identifies what specific federal laws or statutes he is alleging have been violated, and (iii) provides the basic factual basis for the claims asserted. Plaintiff shall have ten days from the date of this Order, to and including July 3, 2014, to respond with either an opposition brief or an amended complaint to provide the requested detail. Failure to comply with this Order could result in the imposition of sanctions, including dismissal of the case.

Motion for Appointment of Court Reporter

The Court shall deny Plaintiff's motion for appointment of a court reporter, without prejudice. As Plaintiff was advised at the Rule 16 conference, the Court does not make its court reporters available for depositions by private parties. In appropriate circumstances, an indigent party may qualify to have a small portion of his litigation expenses reimbursed from a court fund. Plaintiff may refile his motion at a later date, but any such motion must advise the Court (i) who he wishes to depose and the date of the proposed deposition, (ii) the court reporter he proposes to use, and (iii) the approximate cost, based on an estimate of the number of hours involved in the deposition. Following any such motion, the Court will review the matter and determine whether

some reimbursement for the expense may be available.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's motion for an extension of time to respond to Defendants' motion for more definite statement is **GRANTED in part** and **DENIED in part** as follows: (Doc. No. 44.)

a. Plaintiff is granted until **July 3, 2014**, to file a response to the pending motion for more definite statement, consistent with this Order, and

b. Plaintiff's request to delay his response to the motion until such time as he identifies the underwriter/supervisor is denied.

IT IS FURTHER ORDERED that Plaintiff's motion for appointment of a Court reporter is **DENIED without prejudice**. (Doc. No. 37.)


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of June, 2014.